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8 Attorneys for Plaintiff
9 REY REY PRODUCE SFO, INC.

10 UNITED STATES DISTRICT COURT
11
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13
14 SAN FRANCISCO DIVISION

15 REY REY PRODUCE SFO, INC., a
16 California Corporation,

17 Plaintiff,

18 v.

19
20 MIS AMIGOS MEAT MARKET,
21 INC., a California Corporation; URIEL
22 GONZALEZ, an individual;
23 ALEJANDRO COSTA, an individual,

24 Defendants.

CASE NO. 08-cv-01518-VRW

**PLAINTIFF'S REQUEST TO
CONTINUE TRO AND
HEARING ON PLAINTIFF'S
APPLICATION FOR
PRELIMINARY INJUNCTION;
DECLARATION OF BART M.
BOTTA IN SUPPORT THEREOF**

25 Plaintiff REY REY PRODUCE SFO, INC. ("RRSFO" or "Plaintiff") hereby
26 requests that the hearing on the Order to Show Cause for a Preliminary Injunction
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1 (“OSC”) currently scheduled for 4:00 p.m. on April 3, 2008 be continued to a date on
2 or after April 10, 2008.

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4 Plaintiff further respectfully requests that the Temporary Restraining Order
5 currently in effect be extended to the new date for the hearing on the OSC, should
6 the Court grant Plaintiff’s request for a continuance.

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8 The reason for this request is that Plaintiff and Defendants are presently
9 negotiating a stipulation for entry of judgment, which should resolve this entire
10 matter. The parties are in the process of reconciling the total amount due, and wish
11 additional time to attempt to finalize this reconciliation process and negotiations.
12 Assuming the parties are able to reach an agreement on the terms of a stipulation for
13 entry of judgment prior to the continued hearing date and time, said stipulated shall
14 be filed with this Court for review and approval prior to the continued hearing, which
15 may then be taken off calendar.
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18 Under Federal Rule of Civil Procedure 65(b), the TRO can be in effect for
19 ten (10) days (and can also be extended for an additional ten (10) days for good
20 cause shown), and therefore, Plaintiff respectfully requests that the OSC hearing be
21 continued and the TRO be extended until April 10, 2008 or any date close to that
22 date.
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1 This request is supported by the Declaration of Bart M. Botta, attached
2 hereto.

3
4 Respectfully submitted,
5 RYNN & JANOWSKY, LLP
6

7 DATED: April 2, 2008

8 /s/ Bart M. Botta
9 BART M. BOTTA
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15 Attorneys for Plaintiff
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DECLARATION OF BART M. BOTTA

I, BART M. BOTTA, declare as follows:

1. I am the attorney of record for Plaintiff REY REY PRODUCE SFO, INC. ("RRSFO" or "Plaintiff"). The following is based on personal knowledge. If called as a witness I could and would testify truthfully and competently thereto.

2. Plaintiff obtained a Temporary Restraining Order ("TRO") and Order to Show Cause re preliminary injunction ("OSC") on March 26, 2008.

3. The TRO and OSC, along with all other pleadings filed in the case were personally served on Defendants MIS AMIGOS MEAT MARKET, INC., a California Corporation and URIEL GONZALEZ ("Gonzalez")(collectively "Defendants").

4. After being served with the TRO, OSC, and other pleadings, Gonzalez contacted me by telephone to discuss the case and admitted he owed RRSFO money but said that he did not realize the amount was as high as claimed. Therefore, I instructed my client to prepare a spreadsheet showing why RRSFO's amount claimed was higher than the amount claimed as owing by Defendants.

5. My client sent me this information on April 1, 2008, and I faxed this information to Defendants on April 2, 2008. After receiving the information, Defendant Gonzalez contacted me and said that he would need at least three or

1 four days to review this information with his bookkeeper (who had recently
2 resigned).

3
4 6. Defendant Gonzalez also told me that he was meeting with his
5 attorney on April 3, 2008 to discuss these issues and the case, so he thought that a
6 continuance of the OSC hearing would be a good idea.

7
8 7. Under Federal Rule of Civil Procedure 65(b), the TRO can be in
9 effect for ten (10) days (and can also be extended for an additional ten (10) days
10 for good cause shown), and therefore, Plaintiff respectfully requests that the OSC
11 hearing be continued and the TRO be extended until April 10, 2008 or any date
12 close to that date to allow additional time to Defendants to review the information
13 on the amount due and reconcile the exact amount due.

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15
16 I declare under penalty of perjury under the laws of the United States of
17 America and the State of California that the foregoing is true and correct.

18
19 Executed this 2nd day of April 2008 at Newport Beach, California.

20
21 /s/ Bart M. Botta
22 BART M. BOTTA
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20 GONZALEZ, an individual;
21 ALEJANDRO COSTA, an individual,

22 Defendants.

CASE NO. 08-cv-01518-VRW

23 **[PROPOSED] ORDER**
24 **GRANTING PLAINTIFF'S**
25 **REQUEST TO CONTINUE TRO**
26 **AND HEARING ON**
27 **PLAINTIFF'S APPLICATION**
28 **FOR PRELIMINARY**
INJUNCTION

ORDER

Having read and considered the foregoing request to continue the hearing on the Order to Show Cause for a Preliminary Injunction ("OSC") currently scheduled

1 for 4:00 p.m. on April 3, 2008 and good cause appearing therefore,

2 IT IS HEREBY ORDERED that the hearing currently scheduled for 4:00
3 p.m., Thursday, April 3, 2008 shall be continued to April _____, 2008 at ____
4 p.m. Plaintiff's counsel shall serve and file a revised notice of hearing.
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6 IT IS SO ORDERED
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10 DATED: _____

11 VAUGHN R WALKER,
12 U.S. DISTRICT COURT CHIEF JUDGE
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